

PATENT APPLICATION DOCKET NO. 00938

REMARKS

The examiner rejected claims 1-4 and 13 under 35 U.S.C. § 103(a), as being unpatentable over Ors et al in view of Sullivan. It was the examiner's contention that Ors et al disclosed the claimed method except for the lifting of the polymerized mixture from the surface and processing it to create usable information of the surface. Applicant respectfully disagrees with the examiner with regard to the applicability of the reference to Ors et al.

The reference to Ors et al discloses a method for determining the extent of cure of a polymer on-line, real time during a manufacturing process. Ors et al uses a fluorescent material dissolved in a polymer or the like to monitor, non-destructively, the degree of cure or polymerization of a film. As shown in Figure 1 of Ors et al, a film or continuous web 1 on a substrate 2 is moved under a fixed laser 3. The fluorescent output from the film is transmitted through detectors or collecting lenses 4 and 5 and then through other devices or circuitry in the system to measure the degree of rotation of the fluorphore in the polymer to measure and control polymerization until the desired degree of cure of the film is achieved.

There is absolutely no disclosure or teaching in Ors et al of the method of non-destructive surface inspection and profiling of a material using the specific steps set forth in claims 1-4 and 13 of the present application. First, Ors et al does not select an area of another material to be tested. Ors et al monitors a film passing through a reading station. Second, Ors et al does not select a polymer mixture. Third, Ors et al does not apply the selected polymer mixture to a surface in the selected area of another material. Fourth, Ors et al does not allow the applied selected polymer mixture to polymerize on the surface of the other material. Fifth, Ors et al does not lift the polymerized polymer mixture from the surface of the other material. And finally, Ors et al does not process the polymerized polymer mixture lifted from the surface of the other material to create usable information of the surface of the other material. All of these steps are specifically called for in claim 1, and, therefore, claim is considered to patentably distinguish from Ors et al.

Claim 2, dependent on claim 1, further calls for the step of first applying the selected polymer mixture to a clear carrier before applying the polymer mixture to the surface. Ors et al contains no disclosure or teaching of applying the selected polymer mixture to a clear carrier prior to applying it to a surface of another material.

Claim 3, dependent on claim 2, further calls for the step of allowing the polymerized polymer mixture to form a mold of the surface of the other material to which it is applied. Ors et al contains no such disclosure or teaching.

Claim 4, dependent on claim 3, further calls for the step of passing light through the mold of the surface formed by the polymerized polymer mixture, and obtaining an image of the mold of the surface. Ors et al contains no such disclosure or teaching.

Claim 13, contains all of the steps of claim 1-4, in slightly different wording, and is also believed to patentably distinguish from Ors et al.

The secondary reference to Sullivan is drawn to a double exposure method of photo printing with liquid photopolymers. This patent relates to the manufacture of printed wiring boards and the formation of solder mask layers over printed wiring traces, and contains no disclosure or teaching of how it could be combined with the method set forth in Ors et al. Furthermore, even if it could somehow be thus combined with Ors et al there is no teaching in either of a method for non-destructive surface inspection and profiling of a material by the application of a polymer mixture to a selected surface area of a material, allowing the polymer mixture to polymerize on the surface, lifting the polymerized material from the surface and then processing the lifted material to create useable information about the surface of the material, as specifically claimed by Applicant.

Furthermore, the substrate 52P of figure 5 of Sullivan is not a polymerized polymer mixture lifted off of a surface area on which it had polymerized, but a photo masked substrate on which only the top layer is the polymerized polymer mixture. This substrate 52P is moved to a further conveyor belt, but is not lifted from a surface on which it has polymerized and then processed to create useable information of the surface of the material from which it was lifted.

The examiner also rejected claims 5, 6, 8-11, 14-17 and 19 under 35 U.S.C. 103 (a) as being unpatentable over Ors et al and Sullivan, further in view of Dronzek, Jr.

Applicant respectfully disagrees with the rejection of claims 5, 6, 8-11, 14-17 and 19 for the reasons set forth above, and because Dronzek, Jr. is drawn to polymeric sheets or rolls suitable for printing and forming in-mold labels for plastic containers, and does not disclose or teach non-destructive testing of the surface of a material.

It is noted that claim 20 was allowed and that claims 7, 12 and 18 were objected to, but indicated as containing allowable subject matter.

It is Applicant's contention, for the reasons set forth above, that in addition to allowed claim 20 and indicated as allowable claims 7, 12 and 18 that claims 1-6, 8-11, 13-17 and 19 also contain allowable subject matter.

In summary, none of the prior art, whether taken alone or properly combined, contains teaching or provides motivation of how or why they may be combined to arrive at Applicant's method, as specifically claimed in claims 1-6, 8-11, 13-17, 19 and 7, 12, 18 and 20.

The examiner's contention that it would be obvious to somehow combine the teachings of Ors et al and Sullivan and Dronzek Jr., to arrive at Applicant's invention is believed to be incorrect. As set forth in *In Re SANG SU LEE*, 277 F. 3d 1338, 61 U.S.P.Q. 2d 1430, the factual inquiry whether to combined references must be thorough and searching and must be based on objective evidence of record. The examiner cannot use conclusory statements to support his subjective belief that it was obvious that a person skilled in the art would have been motivated to combine the prior art,

In the rejection set forth by the examiner, the examiner did not set forth specific motivation or teaching in the prior art, but instead relied on conclusory statements. Therefore, the examiner's rejections are believed to be improper and should be withdrawn.

Since no claims were added by this amendment, no further fee is required.

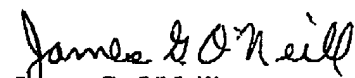
The prior art cited by the examiner but not applied against the claims, has been carefully reviewed by Applicant, but is not deemed pertinent to the claimed invention.

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In view of the above, the Examiner is respectfully requested to allow this application and to notify Applicant accordingly.

Very Truly Yours

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